

REMARKS

Reconsideration in light of the following remarks is respectfully requested. Claims 7, 8, 26, 37-39 and 64-69 are canceled with the entry of this amendment. Newly added claim 70 is the only pending claim.

Concerning the Drawings

Figures 17 and 18 have been deleted. Replacement Figures 1-3, 4A-4E, 5-6, 7A-7C, 8-16 have been submitted.

Claim Rejections – 35 U.S.C. § 112, first paragraph

Written Description

The Examiner has rejected claims 7, 8, 26, 37-39, and 64-69 as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one of skill in the relevant art that the inventor, at the time the application as filed, had possession of the claimed invention.

Applicants respectfully disagree with the Examiner's grounds for rejection and the above statements. However, in order to facilitate prosecution in this case applicants have cancelled the pending claims, without prejudice or disclaimer, and replaced them with claim 70 reciting SEQ ID NO:1. Thus, the written description has been satisfied.

Applicants respectfully request that the Examiner withdraw the written description rejection.

Enablement

The Examiner has rejected claims 7, 8, 26, 37-39, and 64-69 as allegedly failing to provide enablement commensurate with the scope of the claims.

Applicants respectfully disagree with the Examiner's grounds for rejection and the above statements. However, in order to facilitate prosecution in this case applicants have cancelled the pending claims, without prejudice or disclaimer, and replaced them with claim 70. The specification discloses making and using the claimed invention commensurate in scope with claim 70.

Thus, applicants respectfully request that the Examiner withdraw the enablement description rejection.

Claim Rejections – 35 U.S.C. § 102(e)

The Examiner has rejected claims 7, 8, 26, 37-39, and 64-69 as allegedly being anticipated by Good et al (U.S. Patent 6,084,153).


Applicants respectfully traverse the Examiner's rejection. In order to anticipate a claimed invention, a reference must have all elements of the claim. Claim 70 includes growth under 100 mM NaCl. Good et al do not disclose growth under 100 mM NaCl.

Applicants respectfully request that the Examiner withdraw the § 102(e) rejection.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant(s) petition(s) for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 529642001100.

Respectfully submitted,

Dated: July 25, 2003

By: 
Otis Littlefield
Registration No. 48,751

Morrison & Foerster LLP
425 Market Street
San Francisco, California 94105-2482
Telephone: (415) 268-6846
Facsimile: (415) 268-7522